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# FBI tried to flip Saudi official in 9/11 investigation


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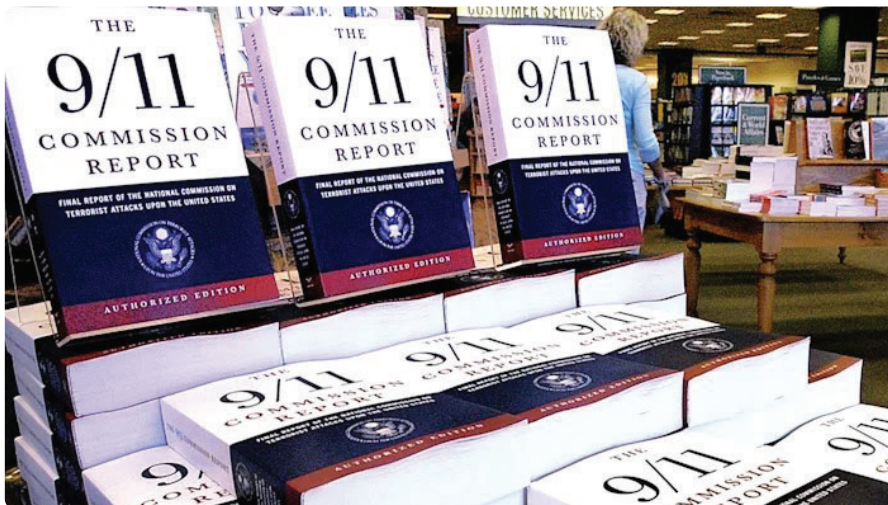
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When the 9/11 commission released its long-awaited report in the summer of 2004, one of its findings — while controversial — seemed definitive: There was, the panel asserted, no evidence that the Saudi government “as an institution” or its “senior officials” had “knowingly” supported al-Qaida, the terrorist group that had unleashed the deadly attacks on the World Trade Towers and the Pentagon.

But not everybody in the FBI thought that ended the matter. Even while the 9/11 commission report grabbed big headlines, and a paperback version rocketed to the top of the bestseller lists, FBI agents were aggressively investigating a Saudi Embassy official in Washington, D.C., suspected of directing assistance to two of the al-Qaida hijackers in Southern California, including getting them an apartment and setting them up with a bank account and flight lessons.

The agents questioned the ex-official, Mussaed al-Jarrah, at least three times and even threatened him, confronting him with photos of child pornography found on his home computer in an apparent attempt to “flip” him and gain his cooperation, according to a closed-door deposition of the Saudi national taken last month by lawyers for the families of the 9/11 victims. A copy of the deposition — with some redactions for law-enforcement sensitive material — was obtained exclusively by Yahoo News.

**[See also: “*Conspiracyland*” bonus episode: “*Khashoggi and the 9/11 lawsuit*”]**



Copies of “The 9/11 Commission Report” on sale in Chicago in 2004.(Seth Perlman/AP Photo)

**KSAX-0040**

 Case No.  
03-md-1570

But the gambit does not appear to have worked. After acknowledging he was confronted by an FBI agent with a photo of a naked child taken off his computer, Jarrah testified that he basically told the agent to take a hike.

“Then I told him, ‘If you are here to threaten me with the pictures, just go ahead, go to the Embassy,’” Jarrah testified. “Then I got in my car and drove off.” He never spoke to the FBI again, he later said.

The deposition of Jarrah — who oversaw the Ministry of Islamic Affairs at the Saudi Embassy in the late 1990s and early 2000s — provided no smoking guns or dramatic confessions by the witness.

But the more than 600 pages of transcripts of his deposition, which stretched over two days on June 17 and 18, reveals new details about the lengths to which the FBI continued to pursue the possible role of Saudi officials in 9/11, long after the public was led to believe the matter had been settled.

The bureau’s probe into a possible Saudi role in 9/11 later morphed into Operation Encore, the code name for an FBI investigation that stretched on for more than a decade and wasn’t terminated until 2016. The details of that probe to this day remain shrouded in secrecy. But as the 20th anniversary of the 9/11 attacks approaches, the still-classified evidence from that bureau investigation is now at the center of a contentious lawsuit brought by lawyers for the victims’ families against the Saudi government.



William Barr, then U.S. attorney general, at a press conference in December last year. (Michael Reynolds/EPA/Bloomberg via Getty Images)

Attorney General William Barr in 2019 imposed a state secrets privilege that has blocked documents from the FBI investigation into the Saudis from becoming public or even being shared with the lawyers representing the families in the case. But lawyers for the families — backed up by allies on Capitol Hill — are appealing to Attorney General Merrick Garland to lift the privilege, arguing that the families deserve to see all the government’s evidence about the Saudi role in the attacks.

“A fair day in court for these brave 9/11 families requires access to evidence,” wrote Democratic Sens. Kirsten Gillibrand of New York, Robert Menendez of New Jersey and Richard Blumenthal of Connecticut, in a recent letter to Garland and FBI Director Christopher Wray. “DOJ must not gratuitously stand in their way.” A spokesman said the Justice Department is reviewing the request.

The Jarrah deposition — and his acknowledgment that he was confronted with child

pornography — offers one possible clue into why Barr directed the details of Operation Encore be kept under wraps. If the FBI obtained images of child pornography on the Saudi diplomat's home computer, it is "very likely" agents obtained them through a warrant under the 1978 Foreign Intelligence Surveillance Act (FISA) — a move that would be authorized by a secret federal court and that by very definition would be classified, said David Kris, the former assistant attorney general for national security and now the founding partner of Culper Partners, a business consulting firm.

As first reported by [Yahoo News last year](#), Jarrah was a key figure in the Operation Encore probe. One of the few documents from the probe that has become public — a four-page report on the status from the investigation written by FBI agents in October 2012 — identifies him as one of three subjects of the investigation. Another was Fahad al-Thumairy, a radical imam at the Saudi-government funded King Fahad Mosque in Los Angeles, and a third was Omar al-Bayoumi, a suspected Saudi intelligence agent who befriended the two hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi, after they flew into the country in mid-January 2000 after attending an al-Qaida planning summit in Kuala Lumpur, Malaysia.



Assistant Attorney General David Kris, left, of the Justice Department's National Security Division testifies with Jeh Johnson, the Defense Department's general counsel, before the Senate Armed Services Committee in 2009. (Win McNamee/Getty Images)

"There is evidence," the FBI report states, that Jarrah had "tasked al-Thumairy and al-Bayoumi with assisting the hijackers." It also states that Thumairy "immediately assigned an individual to take care" of the hijackers and that Bayoumi "assisted the hijackers" by finding them a place to live in San Diego, opening up a bank account for them and delegating others to "care for them."

Jarrah's name is blanked out in the FBI report, but after Yahoo News disclosed his identity last year, the FBI and Justice Department publicly confirmed in court papers that he was the Saudi official in question. However, a senior FBI official in an affidavit asserted that, despite the wording of the 2012 report, the reference to Jarrah having "tasked" Thumairy and Bayoumi with assisting the hijackers was merely a theory pursued by the Operation Encore agents, rather than a finding.

When questioned by a U.S. lawyer for the Saudi government, Jarrah — in last month's videotaped deposition from his current home in Morocco — denied ever knowing or having discussed the two hijackers prior to 9/11.

“No, not at all,” he replied when asked if he had ever “heard the names” of Khalid al-Mihdhar or Nawaf al-Hazmi before the terrorist attacks.

Jarrah did for the first time acknowledge his interactions with the FBI, testifying that he recalled three occasions when he was approached and questioned by agents as late as 2004. Prior to confronting him with the pornographic photos of children taken from his home computer, the agents even took him to dinner at a Washington restaurant.



An aide to Crown Prince Abdullah denied on November 24, 2002 that the Saudi government had sent money to two of the Sept. 11 hijackers, Khalid al-Mihdhar (L) and Nawaf al-Hazmi. (FBI/Reuters)

Jarrah testified that he was “cooperative” with them “because I have nothing to hide.”

Yet under questioning from Megan Bennett, a lawyer for the 9/11 families, Jarrah said he was unable to recall virtually anything the FBI agents asked him about or what he discussed with them. Asked in multiple questions by Bennett whether the agents questioned him about terrorism, or Saudi involvement with the 9/11 plot, or any conversations he had had with Thumairy or Bayoumi, Jarrah repeatedly responded: “I don’t remember.”

He used those identical words 103 times.

The deposition of Jarrah was also repeatedly thwarted by Andrew Shen, the lawyer for the Saudis, who instructed him not to respond to questions about any of his official activities at the Saudi Embassy — including any communications with Thumairy and Bayoumi or even the Saudi ambassador at the time, Prince Bandar — on the grounds that it was a violation of a 1961 Vienna Convention providing immunity to accredited diplomats on foreign soil.

The families’ lawyers also got an equally frustrating lack of responses in their closed-door video depositions last month with Thumairy and Bayoumi. But the lawyers are also banking on making what they believe can be a powerful circumstantial case of at least some Saudi complicity in the plot — provided they get to see the FBI’s own secrets, still under lock and key.

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